

REMARKS

Claims 1-4 are currently pending in this application. No new matter is presented by way of amendment.

Applicants have submitted an Information Disclosure Statement with this response and ask that the Examiner consider and initial the enclosed Form PTO/SB/08a with the next Office Action.

Rejection under Obviousness-type Double Patenting:

Claims 1-4 stand rejected under the judicially created doctrine of obviousness type double patenting over claims 1, 2, 8 and 9 of US Patent 7,070,800. In response, applicants have filed a terminal disclaimer herewith, thus overcoming this rejection.

Applicants also respectfully submit that all the pending claims are allowable and therefore solicit a Notice of Allowance for all of the pending claims. If the Examiner feels that a telephone interview would be helpful in advancing prosecution of this application, the Examiner is invited to contact the attorney below.

Respectfully submitted,

/wendy petka/

Wendy Petka, Reg. No. 53,459
Attorney for Applicants

BOEHRINGER INGELHEIM CORPORATION
Patent Department
900 Ridgebury Road
P.O. Box 368
Ridgefield, CT 06877
Telephone: (203) 791-6614
Facsimile: (203) 798-4408